

REMARKS

The Invention

The invention generally features methods for producing a population of multipotent stem cells substantially purified from skin.

The Office Action

Claims 1-34, 36-44, 47, and 48 are pending. Claims 1-17, 21-34, and 36-42 are withdrawn as being directed to a non-elected invention. Claims 47 and 48 stand rejected as being anticipated by Sosnowski et al. (Brain Res. 702:37-48, 1995). Claims 18-20, 43, 44, 47, and 48 stand rejected as being obvious over Sosnowski in view of Anderson (U.S. Patent No. 5,824,489). Applicants address these rejections in turn.

Initialed Form 1449s

As an initial matter, applicants note that two Information Disclosure Statements were submitted (one electronically, one by first class mail) on December 12, 2002, and initialed copies of the accompanying Form 1449s have not yet been received from the Office. Applicants respectfully request that these be provided.

Rejections under 35 U.S.C. § 102(a)

Claims 47 and 48 stand rejected as being anticipated by Sosnowski. According to the Office, Sosnowski describes every limitation of the claims. This simply is incorrect. Claims 47 and 48 are directed to the use of tissue from skin or tongue. Sosnowski, in contrast, only describes the use of olfactory epithelium, and is silent on the use of any other tissue. For this reason alone, the rejection of claims 47 and 48 as being anticipated by Sosnowski is improper and should be withdrawn.

Applicants further maintain, for the reasons set forth in previous Replies, that Sosnowski fails to teach or suggest a method of producing a purified population of

multipotent stem cells that are self-renewing, form non-adherent clusters, and express nestin, regardless of the source of the cells, and applicants reserve the right to pursue claims to methods of producing populations of stem cells from olfactory epithelium in this or a related application.

Rejections under 35 U.S.C. § 103(a)

Claims 18-20, 43, 44, 47, and 48 are rejected as being obvious over Sosnowski in view of Anderson. While acknowledging that Sosnowski fails to teach the use of any tissue apart from olfactory tissue, the Office contends that one reading Anderson would be motivated to use other tissues, such as skin or tongue, in Sosnowski's method. Applicants now cancel claims 18-30, 43, and 44, and respectfully traverse this rejection as it applies to claims 47 and 48.

According to the Office, one reading Sosnowski and Anderson would have been motivated to perform the claimed methods to purify stem cells from skin or tongue. In order to establish a *prima facie* case of obviousness, however, the Office must demonstrate that each and every limitation is disclosed in at least one of the references. In the present case, neither Sosnowski nor Anderson suggests using skin or tongue as a source of cells for their respective methods. The passage from Anderson referred to by the Office clearly fails to teach or suggest skin or tongue as a source material. Anderson first suggests deriving cells from "neural epithelial tissue which may be present in tissue comprising the peripheral nervous system" and later states that cells "may be derived from other tissue such as lung, bone and the like..." Nothing in either of these passages would direct one skilled in the art to skin or tongue.

In sum, because the references fail to teach or suggest every limitation of the pending claims, the Office has not established a *prima facie* case of obviousness, and the rejection of claims 47 and 48 for obviousness may be withdrawn.

Conclusion

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested. If there are any remaining issues, applicants request a teleconference between the Examiner and the undersigned to resolve these issues.

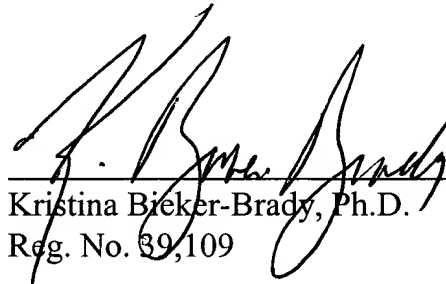
A revocation and new power of attorney is attached herewith. Please direct all future correspondences to the undersigned at the address provided below.

Enclosed is a petition to extend the period for replying for three months, to and including October 23, 2003. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

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